tively how this knotty point would be de-

when Mr. Lee announced that the de-ferse had done, and not until then, did the people generally know that the trial would end without a word from the chief figure in it.

#### THE INSTRUCTIONS.

#### The Defense Abundantly Pleased With the Rulings.

With the Rulings.

CHARLOTTESVILLE, VA., November 1.—Shortly before midnight to-night the question of instructions to the jary, one of the most important of the entire trial, was settled, after a long conference between Judge Morris and the attorneys on both sides. The result of the consultation took everybody by surprise, and created something like consternation in the newspaper camp. It had been understood throughout the city that the discussion would end in nothing more than a consideration of points of agreement, and starybody looked for a long and windy argument to-morrow over the sixty or more questions of law presented. As it happened, Judge Morris took the hull by the horns and disposed of the matter at once.

The defense is abundantly pleased with

The defense is abundantly pleased with what it got.
Only two of the instructions it offered were rejected though several were modified in varying degrees. Another announcement was made possible by the conference, that the argument of the case will begin to-morrow; that it will conclude Friday night, and the case will go to the jury on Saturday.

It was also learned to-night that it has been positively decided that Commonwealth's Attorney Gilmer will close the argument for the prosecution. This is an exceedingly interesting point to Charlottes-ville people.

ville people.
The Instructions.

The instructions are long, but they will figure prominently in the case. They will be given to the jury to-morrow, as

court instructs the jury that in all The court instructs the jury that in "all criminal prosecutions a man has a right to be confronted with his accuser and the witnesses and list him, and no statement made by any witness or other person, elsewhere than in the court and in the presence of the accused, constitutes evidence against him. The sole purpose for which evidence, if any such statement is admitted, or for which it can be used, is to enable the jury to judge whether or not the witness is entitled to credit,

The court instructs the jury that th The court instructs the just that the law presumes every person charged with crime to be innocent until his guilt is established by the Commonwealth be-yond a reasonable doubt, and this pre-sumption of innocence goes with the accused through the entire case and applie cused through the entire case and apputes at every-stage thereof; and if, after having heard all of the evidence in this case, the jury have a reasonable doubt of the guilt of the accused upon the whole case, or as to any fact, essential to prove the charge made against him in the indictment, it is their duty to give the prisoner the benefit of the doubt and find him set guilty.

prisoner the benefit of the doubt and £nd him not guilty.

The court further instructs the jury that upon the trial of this case, if a reasonable doubt of any fact necessary to establish the guilt of accused as charged in the indictment be raised by the evidence or lack of evidence, such doubt is decisive and the jury must acquit the accused since a verdict of "not guilty" means no more than that the guilt of the accused has not been established in the

means no more than that the guilt of the accused has not been established in the precise specific and narrow form prescribed by law.

The court instricts the jury that when upon a charge of murder, the evidence is wholly circumstantial as is the case here, the absence of all evidence of an active the case here, the absence of all evidence of an active the case are accounted to commit the nere, the absence of all evidence of an inducing cause or motive to commit the effense charged affords of liself a strong

effense charged affords of liself a strong presumption of innocence.

The court instructs the jury that murder by poison, lying in wait, imprisonment, sturving or any wilful deliberate and premediated killing or in the commission of, or attempt to commit arson, rape, roberry or burgiary is murder of the first degree. All other murder is murder of the second degree.

The court instructs the jury that in the

The court instructs the jury that in the application of circumstantial evidence to the determination of the case, the utmost caution and vigilance should be used. Such evidence is always insufficient where assuming all to be true, which the evidence is always insufficient where assuming all to be true, which the evidence is a support of the case of the dence tends to prove, some other reason-able hypothesis may still be true, for it reasonable hypothesis which invests mer reasonable hypothesis which invests mere circumstances with the force of truth. Where the evidence leaves it indifferent, which is several hypothesis is true, or establishes only same; finite probability of one hypothesis, such cannot amount to proof, however great the probability may be.

And the court further instructs the jury And the court further instructs the jury that all the evidence in this case which tends to establish that the accused is guilty of the crime which he is charged, is chreumstantial and not positive evidence. Therefore, although the jury may believe from the evidence in this case that there is a strong probability that the consider he mills of the offense charged. accused is guilty of the offense charged in the indictment still if upon the whole avidence, there is any other reasonable hypothesis consistent with the innocence they cannot find the accused guilty, and this is true although it may appear from the evidence that the probabilities of his guilt are greater than the probabilities of his innoceace.

#### Burden on Prosecution.

The court instructs the jury, even if they are satisfied from the evidence beyond a reasonable doubt, that the accused took the life of the deceased, then the jury are instructed that the law presumes prima facle that such killing was nurder of the second degree and the burden rests upon the Commonwealth to burden rests upon the Commonwealth to elevate the offence to water the

burden rests upon the Commonwealth to elevate the offense to murder in the first degree, by proving beyond a reasonable doubt all the elements of that crime as defined by another instruction. The court instructs the fury that even though they may believe from the evidence that the witnesses, William McCue and John Perry, may have made stateand John Perry, may have made state-ments in conflict with or in contradiction ments in conflict with or in contradiction of the evidence given by them on the witness stand, in considering the guilt or innocence of the accused, of the crime with which he is charged, the jury are not at liberty to take into consideration any such contradictory or conflicting statements of the said witnesses or either of them, but must consider the exact. of them, but must consider the case of the accused, as if such statements had never been made, except that they may consider such statements for the sole jurpose of determining whether said wit-nesses, or either of them, are worthy of belief.

of belief.
"Offered by the Commonwealth!" The
Court Instructs the jury that a reasonable doubt is such a doubt as may



\$10.00 buys a long overcoat that will cover a multitude of

Others, \$15.00 to \$40.00.

English frock suits - the smart business dress—are here in various patterns and la-brics; tailored in a manner away and above the average

See how you look in them. Glad to try them on you.



as to any substantial and material fact essential to prove the offense charged, Reasonable doubt must be based upon the Reasonable doubt must be based upon the evidence, or that suggested by the evidence or grows out of the evidence itself. It must not be arbitrary doubt, without evidence to sustain it. It must be serious and substantial in order to warrant an acquittal. It must be a warrant an acquittal. It must be a doubt of material fact or facts necessary of conviction, and not of immaterial and

to the parties, if the same is proved; their interests of any in the result of this case; their temper feeling or bias if any has been shown; their demeanor whilst testifying; their apparent intelligence and their means of information, and to give, such credit to the testimony of such witnesses as under all the circumstances such witness seem to be entitled.

The fury are finally instructed that the Instructions given are all the instructions of the court and must be considered as

The court instructs the jury that all the evidence were made by J. Wm. Mc-the evidence were mad by J. William Mc-Yes, after November 8th some of us are going to be so busy explaining how it happened in the meantime if your wearing appeare is damaged by any of the "arguments"—here's the place to redress your grievsaid statements should be considering the question of guilt or innocence of the ac-cused and be wholly disregarded by the fury and treated as if they had never

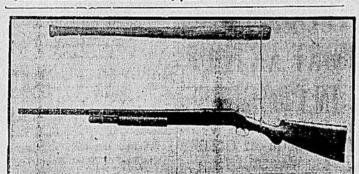
The court instructs the jury that where evidence is adduced of any statement of the accused, such statement must be considered as a whole. A part of it cannot be considered and a part rejected. The jury must consider all or none; and if the presecutor uses the declaration of the prisoner, he must take the whole together, and cannot select one part and leave another.

whole together, and cannot select one part and leave another.

The court instructs the jury that if, upon the whole evidence in the case, there is any reasonable hypothesis consistent with the innocence of the accused, they must find him not guilty. The court instructs the jury that the failure of the evidence to disclose any other criminal agent than the accused, is not a circumstance, which may be considered by the jury in determining whether or not he was guilty of the crime wherewith he is charged. The prisoner is presumed to be innocent until, his guilt is established, and he is not to be prejudiced by the insulfity of the Commonwealth to point any other criminal agent nor is he called upon to vindicate his own in mocence by naming the guilty person. The court instructs the jury that, upon the trial of a criminal case by a jury, the law contemplates the concurrence of twelve minds in the conclusion of guilt before a conviction can be had. Each individual juror must be satisfied beyond a reasonable doubt of the defendant's guilt, before he can under his oath consent to a verdict of guilty. Each juror sent to a verdict of guilty.

guilt, before he can under his oath, con sent to a verdict of guilty. Each juro non-essential electronistances.

The court further instructs the jury that electronistantial evidence is legal and compotent in criminal cases, and if it vinced beyond a rensonable doubt of the is of such a character as to exclude every



THE GUN AND BAT USED IN THE MURDER OF MRS. McCUE.

defendant is guilty, is entitled to the same weight as diret testimony. Prima Facie Evidence.

The court further instructs the jury that a mortal wound, given with a dead-ly weapon, in the previous possession of the slayer, without any provocation, or ecen with slight provocation, is prime facto wilful, deliberate and premeditated killing, and throws upon the prisoner the necessity of showing extenuating circum-

ticular length of time prior to the ac killing. It is only necessary that s intention should come into existence the first time at the time of killing, o

that the rule of law is that a man shall be taken to intend that which he does or which is the necessary consequence

The court instructs the jury, as a matte The court instructs the plry, as a matter of law, that in considering the case the jury are not to go beyond the evi-dence to hunt up doubts, nor must they entertain such doubts as are merely chimerical or conjectural. A doubt, to justify an acquittal, must be reasonable doubt, and it must arise from a candid and impartial investigation of all the and impartial investigation of all the evidence in the case; and unless it is such that the same kind of doubt in the reposed, in the graver transaction of life, it would cause a reasonable and prudent man to hesitate and pause, it is insufficient to authorize a verdict of not guilty. If, after considering all the evidence, you can say that you have an abiding conviction of the truth of the charge, you are satisfied beyond a reasonable doubt on the other hand, the jury must not go beyond the evidence to hunt up inferences of guilt.

The Testimony of the Negro John Perry Impeached.

CHARLOTTESVILLE, VA., Nov. 1.—At the opening of the second day for the defense the conditions were in all respects similar to those of the preceding session. The attendance was not crushing and the crowd was by no means animated or expense of the charge, you may be used to the conditions were in all respects similar to those of the preceding session. The attendance was not crushing and the crowd was by no means animated or expense of the conditions were in all respects similar to those of the preceding session.

The attendance was not crushing and the crowd was by no means animated or expense of the conditions were in all respects similar to those of the preceding session. The attendance was not crushing and the crowd was by no means animated or expense of the conditions were in all respects similar to those of the conditions were in all respects similar to those of the conditions were in all respects similar to those of the conditions were in all respects similar to those of the conditions were in all respects similar to those of the conditions were in all respects similar to those of the conditions were in all respects similar to those of the conditions were in all respects similar to those of the conditions were in all respects similar to those of the conditions were in all respects similar to those of the conditions were in all respects similar to those of the conditions were in all respects the conditions were in all respects th

## Degrees of Murder.

No Appetite

Means loss of vitality, vigor or tone, and is often a precursor of prostrating sickness. This is why it is serious. The best thing you can do is to take the great alterative and tonic Hood's Sarsaparilla Which has cured thousands.

malice from this fact. The court instructs the jury that the foredulity of witnesses is a question exclusively for the jury, and the law is that where a number of witnesses testify directly oposite to each other the jury is not bound to regard the weight of the ordence as equally balanced; the jury that in determine from the appearance of the witnesses on the stand, their manner of textifying and their appearance of the witnesses on the stand to althout their manner of textifying and their appearance of the witnesses, their apparance in intelligence and althout the manner of textifying and their appearance of the witnesses are more worthy of credit and to give credit accordingly. The court further instructs the jury that in determining the weight to be given the search of the wight to be given the search of the stand and was questioned about the conversation said by Julier Marthn to have occurred between Som McCue and his side with the other. He said his side burt worse than his head with the other. He said his side burt worse than his head with the other. He said his side burt worse than his head with the other. He said his side hut we sheld und his side burt worse than his side bu

to a verdict of guilty. Therefore, if any individual member of the jury, after having duly considered all of the evidence in this case, and after consultation with his fellow-jurors, should entertain such reasonable doubt of the defendant's guilt, was as set, both in contributional structure. as is set forth in certain instructions in this case, it is his duty not to surrender this case, it is his duty not to surrender his own convictions, simply because the balance of the jury entertain different convictions. The court instructs the jury that upon the trial of a criminal case by a jury, the law contemplates a concurrence of twelve minds in the conclusion of guilt before a conviction can be had. Not only is this true with respect to the guilt of the accused, but it is likewise true with respect to the degree likewise true with respect to the degree of the crime. Therefore, although the jury may believe from the evidence that all of the evidence in this case, and after a consultation with his fellow-jurors should entertain a reasonable doubt as to the degree of guilt of the accused, it is his duty not to surrender his own convictions as to such degree of guilt simply because the balance of the jury entertain convictions with respect to such degree.

## THE DAY IN COURT.

The Testimony of the Negro

Grady Again.

Degrees of Murder.

The court instructs the jury that whoever kills a human being with malice aforethought is guilty of murder; that a marder which is perpetrated by a person lying in wait, or any other kind of wilful, deliberate and premeditated killing, is murder in the first degree.

The court instructs the jury that on a charge of murder, malice is presumed from the fact of killing. When the killing is proved and is unaccompanied with efreumstances of palliation, the burden of disproving malice is thrown upon the accused.

The court instructs the jury that murder in the fact of killing when the killing is proved and is unaccompanied with the court instructs the jury that murder derived quietly and took his seat. The entered quietly and took his seat. The conce was the signal for the beginning of their places and the arrival of the prisoner was the signal for the beginning of work. McCue carried a bundle of papers in his hand. His appearance was about the same as usual. Along with him came and his eldest son, William.

As soon as the orders were read and the poll of the jury taken, the actual work of the day began. The examination of witnesses for the defense was resumed.

The court instructs the jury that murder in the instructs the jury that murder in the poll of the jury taken, the actual work of the day began. The examination of witnesses for the defense was resumed.

The court instructs the jury that murder is distinguished by the law of Virginia as nurder in the first degree and nurder in the second degree.

The court further instructs the jury that the court further in the second degree.

The court further instructs the jury that the court further in the second degree.

The court further instructs the jury that the defense was resumed. Follow-filled that on the night of the murder had that on the night of the murder ha

of proof is upon the prisoner.

The court further instructs the jury tain Woods, Grady admitted that he was that whenever the killing is wilful, deliberate and premeditated, the law infers malice from this fact.

The court instructs the jury that the

# TROUBLE AND DON'T



To Prove what Swamp-Root, the Great Kidney Remedy, will do for YOU, Every Reader of "Daily Times-Dispatch" May Have a Sample Bottle Sent Free by Mail.

Weak and unhealthy kidneys are responsible for more sickness and suffering than any other disease, therefore, when through neglect or other causes, kidney trouble is permitted to continue, fatal results are sure to

Your other organs may need attention-but your kidneys most, be cause they do most and need attention first.

If you are sick or "feel badly," begin taking Dr. Kilmer's Swamp-Root, the great kidney, liver and bladder remedy, because as soon as your kidneys begin to get better they will help all the other organs to health. A trial will convince anyone.

der remedy is soon realized. It stands the highest for its wonderful cures of

der remedy is soon realized. It stands
the highest for its wonderful cures of
the most distressing cases. Swamp-Root
will set your whole system right and the
best proof of this is a trial,

53 Cottage St., Moirose, Mass.

Dear Sir.

Ever since I was in the Army, I had
more or less kidney trouble, and withink
past year it became so severe and cure that I suffered event and power was fast
almost—me set and the power was fast
almost—me. I saw an advertisement of
Swamp-Root and wrote asking for advice.
I began the use of the medicine and noted
a decided improvement after taking SwampRoot only a short time.
I continued its use and am thankful to
say that I am entirely cured and strong.
In order to be very sure about this, I had
a dector examine some of my water to-day
and he prenounced at all right and in
splendid condition.
I know that your Swamp-Root is purely
vegtable and recommending Swamp-Root
to all suffererers I am."
all suffererers I am."

and he pronounced it all right and in splendid condition.

Swamp-Root is pleasant to take and is for sale at drug stores the world over in bottles of two sizes and two prices—fifty covery and recommending Swamp-Root to all suffererers 1 am.

L. C. RICHARDSON.

Swamp-Root is not recommended for Swamp-Root is not recommended for the proposition of the production of the production.

Swamp-Root is pleasant to take and is for sale at drug stores the world over in bottles of two sizes and two prices—fifty cents and one dollar. Remember the name, Swamp-Root, Dr. Klimer's Swamp-Root, and the address. Binghamton, N. Y., on every bottle.

Swamp-Root is not recommended for Y., on every bottle,

EDITORIAL NOTE.—In order to prove the wonderful merits of Swamp-Root you may have a sample bottle and a book of valuable information, both sent absolutely free by mail. The book contains many of the thousands upon thousands of testimonial letters received from men and women cured. The value and success of Swamp-Root are so well known that our readers are advised to send for a sample bottle. In sending your address to Dr. Kilmer & Co., Binghamton, N. Y., be sure to say you read this generous offer in the Richmond Daily Times-Dispatch. The genuineness of this offer is guaranteed.

Flat denial of the assertion of the beller

ent during the talk between the father

Flat denial of the assertion of the seller was made by the several witnesses. Charles McCue said he had visited h's brother in the cell, which he thought was about 8 or 10 by . feet, and had been there in company with the others. If there had been any such conversation while he was in the cell he would have been compelled to hear it. He had heard nothing of it at all. Mr. John L. McCue, another brother, made a statement to the same effect. A third brother, William reiterated what the others had said. There was no cross-examination of these witnesses.

and Mrs. McCue together, and he had nad and Mrs. McCue together, and he had never seer anything to cause him to suspect that they were not upon the most cordal terms.

"All this talk' began Mr. Moore, with an obvious desire to unburden bis mind.

"All this talk' began Mr. Moore, with an obvious desire to unburden his mind—but he was stopped and held closely drawn to the point. He said he had frequently visited the office of Mr. McCue and had often found Mrs. McCue there. The attitude of the man and wife toward each other was at these times most cordial.

Defense Concludes Case.

Defense Concludes Case.

About 10:40 o'clock Mr. Lee announced that the defense would rest its case. A ripple of interest stirred the court-room. McCue, the prisoner, was not to testify in his own behalf. The defense reserved the right to introduce later one other witness, who had not yet arrived. This was Deckert, whose name has figured in the impenchment of Ernest Crawford. With the exception of this single witness, the defense was through.

The prosecution recalled Albert Baldwin, who has just gotten back to town. Baldwin denied flatly the statement of Wille McCue that Ernest Crawford had suggested to him (Baldwin) the use of money in getting a statement from the negro boy (John Perry).

"Mr. Crawford never said any such thing," said Baldwin, smiling, "The Only mention 1 ever heard of money in this entire case was made by Willie McCue."

Called John Perry.

Called John Perry.

A brief consultation by the attornsys for the prosecution followed. When the court got back down to work again something happened. It caused a smile to arise to the surface of the inscrutable Commonwealth side. In a small way it was a notable thing.

Nether side has seemed anxious to

It was a notable thing.

Neither side has seemed anxious to risk putting Perry, the negro boy, on the stand. The case had finished without him. Now Mr. Traylor, the Richmond juryman, arose from his seat, and, declaring that he and his associates desired to "get at the facts in this case," asked that the court do what neither the Commonwealth nor the defense had ventured—call John Perry. The court promptly did it. Another juror said he

the Commonwealth nor the defense had ventured—call John Perry. The court promptly did it. Another juror said he laws a talk with you about the want to have a talk with you about the want to have a talk with you about the want to have a talk with you about the want to have a talk with you about the want to have a talk with you about the want to have a talk with you about the want to laws a talk with you about the want to laws a talk with you about the want to laws a talk with you about the want to law a talk with you about the want to law a talk with you about the want you to tell the truth and only the truth, mothing will ever happen to you?" Didn't you, say that to you?"

"Yes, sir."

"Yes, sir."

"Yes, sir."

"As I understand you, you had locked up the house, and, after Mr. and Mrs. McCue went to church, you went up. Laxative Bromo Oulnine
Cures a Cold in One Day, Grip in 2 Days

The mild and immediate effect of everything but it promptly cures kidney. Swamp-Root the great kidney and bladder remedy is soon realized. It stands the highest for its wonderful cures of frequently night and day, smarting or frequently night and day, smarting or irritation in passing, brickdust or sediment is the urine, headache, backache, back, dizziness, poor sleeplessness, nervousnes ance due to bad kidney trouble, skin eruptions from bad blood, neuralgia, rheumatism. diabetes, bloating, irritability, wornout feeling, lack of ambition, loss of flesh, sallow complexion or Bright's discuss. If your water, when allowed to remain

It your water, when allowed to remain undisturbed in a glass or bottle for twenty-four hours, forms a sediment or settling or has a cloudy appearance, it is evidence that your kidneys and bladder need immediate attention.

wanted James Lewis, the colored mar who was, in the words of Skinner, 'talkin' to Mr. Moran's servant girl' on the night of the murder next door. The court sent out for Jim, too.

It was a long five minutes before Perry, with a pleasant grin to account sent out.

walked into the court-room. walked into the contr-room. It was remarkable to see the change that suddenly came over the audience. Everybody pulled a bit closer, Many people crowded in from the outside. Within a moment after Perry's name was called, the

court examined him and then turned him over to each side for cross-examination,

## Perry's Statement.

Perry's Statement.

"Well, I was in bed, at first asleep, and didn't hear Mr. and Mrs. McCue when they came. When I first heard anything I heard Mrs. McCue crying, and the words: 'Sam, come and help me; he is killing me,' or 'He is going to kill me,' ond 'It is too bad for him to do me this way." I never did hear Mr. McCue's voice at all. That minute I ran to try and push the door open to get in the house, but couldn't, and then went and loaded the gun, asd then ran to try to knock the door open, and soon after she hollered: 'Sam, he is killing me,' or 'He is going to kill me,' it sounded like a gun either went off in the bath room and Mrs. McCue's room."

"What did you do when you heard the gun go off."

"I didn't do anything, then, after I heard a man run in the bath room, and head him when he came cut, and then went of all of the went back in there again, and then went back in there again, and then went out and went down the front steps."

"What did you first see Mr. McCue he came the man run in the bath room, and head him when he came cut, and then went back in there again, and then went back in the worst trouble I have ever been in in my life. A burglar has been here, knocked me selseless, and left me lying on the floor, and I think he has jujured my wife."

## Lee's Cross-Examination.

The defense took the witness in hand first.
"When was the first time you ever saw
me?" asked Mr. Lee,
"I don't know, sir."
"Did you see me at the McCua house
about ten days after the shooting?"
"Yes, sir."
"Its that the first time you ever saw
me?"
"It is the first time I remember seeing

'It is the first time I remember seeing

stairs and got in bed?"
"Yes, sir."
"Had you gone to sleep?"
"Yes, sir."

Yes, sir."
You were awaked by the gereaming?

"Yes, sir."
"Where was the screaming?"
"In Mrs, McGue's room."
"Was she in her room when she called to her husband for help?"

"Yes, sir."
"Then she came down the hall to-ward your room?"
"Yes, sir."

"The door between your room and her was locked?"

"Was she screaming when she was com-

ng down the hall?"
"She was crying."
"When did you hear the shot?

"When did you hear the shot?"
"It sounded like the gun went off in the hall."
"Did you hear anything clse?"
"I heard a man go into the bath-room and come out and then go back again. Then I heard him go down the treat there."

Did he come back up?"

"Did he come back up?"
"No, sir."
"How did he walk?"
"He seemed to have on heavy shoes."
"What sort of shoes did Mr. McCue
have on when he came into the room?"
"He had on his slippers."
"Was there any carpet in the hall?"

sked a juryman,

Was there any carpet on the stairs?"

"Was the door to your room closed and the door leading into the hall also closed?" "Yes, sir."

#### Capt. Woods's Cross-Examination.

The fur began to fly a moment later when fafter an impatient wait, Captain Woods landed on Perry. He drew out the statements that the boy had been employed by McCue for a month previous to the murder, and that he still lived at the house. Perry also admitted that he regularly carried meals to McCue at the full. Whenever he went into the at the Jall. Whenever he went into the cell, however, he was accompanied by the Jaller. After this preliminary laying of the ground. Captain Woods got down to

"Don't you remember seeing Mr Baldwin on Tuesday before the funeral?"

"Yes, sir."
"Didn't he call you out of Mr. McCue's room and take you into your room;
didn't you go with him?"

"Yes, sir."
"Didn't Mr. Albert Baldwin come in?" "Didn't Mr. W. G. Baldwin talk to

"Yes, sir."
"Didn't you tell him that you were in your room and that you heard two licks struck; that you heard, Mrs. McCue gurgle as it she were choking; that you heard the shot, and that then Mr. McCue neard the snot, and that then Mr. McCue opened your door and said: John go down and open the front door, somebody has nearly killed Miss Fannie.' Didn't you tell Mr. Baldwin this?"
"No str."

McCue in the bath-room say: 'Sam, why do you treat me so; what have I ever done to you?' Didn't you say you had then heard her say, 'I will never do so

but the court admitted it for the purpose

of impeaching the witness.
"Naw, sir; I didn't say that," "Naw, sir; I didn't say that," de-clared the negro.
"And you deny that you ever made these Statements to Mr. W. G. Buldwin and Mr. Albert Baldwin?"
"Yes, sir."

## General Denials.

In the course of what followed Perry made like denial of similar statements said to have been made to others. "Didn't you tell Salle Austin and Carrie Perry that you had heard Mrs. McCue say: "Sam, don't kill me; don

say: 'Sam, don't kill me; don't kill me; am going to die anyhow?''.
"Naw, sir; I didn't tole them that."
"Don't you remember having gone to the wine cellar and having met Mr. Ernes Crawford and Mr. Albert Baldwin there?'
John stuck his hand against his mouth "I went near the wine cellar," he mumbled, "and saw them."
"You recollect this talk?"
"Yes sir."

"Now, didn't you have a talk with Mr Willie McCue the next morning?"

"Yes, sir."
"Didn't he write down what you said?"
"Naw, sir. I didn't see him have n

paper."
"Didn't he say: 'Now, John, I want you to tell me the truth."
"Yes, sir."
The paper, in the handwriting of Willic McCue, who had said the statement was dictated to him by Perry, and afterwards denied by the negro, was read to the witness.

witness.
"Did you say that to Willie McCue?"
saked Captain Woods.
"No, sir. He must have thought that
up himself. T didn't say it to him, be-

cause it isn't so. I didn't hear anything

"Then if Willie McCue wrote this down, he wrote something that wasn't true, did he?" Yes, sir."

A few more questions were surfed at John by each side, and then the negro boy retired. W. G. Baldwin, the detective chief, was at once placed upon the stand. He said he saw Perry about noon on the day of the funeral. The detective asked him about the case, and warned him to keep his mouth shut to outsides.

brother, Albert Baldwin, was called. He was present at the interview with Perry, He repeated practically what the other had said. According to both of the witnesses, the negro had said that after he was awakened by the crying and failed to get through the locked door, he went to the window and listened. Porry, denied that he went to the window. "I asked him," said the younger Baldwin, "how long it was before Mr. McChe would let him into the hall. He said it was four or five minutes,"

ed Captain Woods.

You are quite certain about that?"

"Yes, sir."
"And Carrie Perry was with you when he told you this?"
"Yes, sir."
"Yes, sir."
Saria Perry," said Captais

"Call Carrie Perry," said Captain Woods without more ado... Carrie entered. She were a gorgeous blue veil. She declared she was sixteen years old. She talked Yankee, She said exactly what Susan had said about John Perry.

At this juncture the defense stated its objection to the entire line of examination

just concluded. The court overruled the objection and the defense noted an exception. The court then expressly instructed the jury not to consider this testimony as evidence against the accused but simply as introduced for the purpose of impeaching a witness. A similar objection and ruling yeas made in reference to the statement of Perry written down by Willie McCuo Captain Woods desired to read this statement to the jury and the court permitted him to do so. The statement is in the handwriting of Willie McCuo and was acknowledged by him. In the light of what Perry said to-day this statement has assumed an added importance. It reads as follows:

importance. It reads as follows:
"I said, John, now I want you to tell

"I said, John, now I want you to tell me just what you heard,"
"The first thing he said was: You know last night I was afraid to tell those gentlemen on Mr. McCue. I heard him slap her first, because I got up and put my head out of the window; then it sounded like he was hitting her and thumping. Then I heard him choke her and heard her like she was strangled; she said: "Sam, you cught not to treat me said: "Sam, you ought not to treat me like this. I will promise not to do it

## Last Witness.

The last witness of the day was James Lewis, whose presence had been desired by one of the jurymen. Lewis was ques-tioned by the court. He said that on tioned by the court. He said that on the night of the murder he was in McCue's yard, seated in the kilchen door, He heard crying, but it sounded far off, and he didn't pay much attention to it. Then he heard a shot. A moment or two later Charles Skinner came down and began to talk.

"Did you hear anything after Skinner came down?" asked a juryman.
"No, sit."

e heard "coarse" crying "like a man." About 12:30 o'clock the court ordered Mr. Deckert, the sole remaining

(Continued on Third Page.)



## Music in the Kome

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Perry Impeached.

ed nim to keep his mouth shall do one siders.

"He told me," said Baldwin, "that he heard Mrs. McCue first at the bathsoom door. Then he heard her say, "Sam, why do you treat me so; what have I ever done to you?" Then he heard her say, "I will never do it again.' A moment or two later he heard the shot and then he said Mr. McCue opened the door and told him to go, down and open the front door; that somebody had probably, killed Miss Fannie."

As soon as the chief left the stand his brother, Albert Baldwin, was called. He was present at the interview with Per-

said it was four or five minutes."

The negro woman, Susan Austin, mentioned above as having received certain confidences from Perry, took the stand. She is a servant at the home of Judge Lyons. The woman said she met John Perry about S P. M. of Tuesday, the day of the funeral. She was standing at the gate of Judge Lyons's residence when Perry came by. He had been to the residence of Mrs. Dinwiddle.

"Well, what did he say to you?" asked Captain Woods.

"John said he was asleep when he heard a scream. He got up but couldn't open the door. Then he went back and laid down on the side of the bed. Then he heard another scream. He didn't say anything about the window. John told me he heard Mrs. McCue say. "Sam, Sam, you are killing me; I am going to die, anyhow."

What Perry Told Woman,

dle, anyhow.

just concluded. The court overruled the

witness for either side, had fance to arrive. The defense will put him on as

· What feature of home life ing to a sweet toned piano?

tie that binds. Then, when company arrive, you've a

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